IN THE HIGH COURT OF JUDICATURE AT BOMBAY

CIVIL APPELLATE SIDE JURISIDICTION

WRIT PETITION NO.7951 OF 2004

Mr.George Thomas ..Petitioner

Vs.

The Divisional Joint Registrar
Co.Op.Societies Mumbai
& Ors. ..Respondents

....

Dr.V.K.Chowdhary for Petitioner
Mr.D.A.Patil AGP
M/s D'Lima & Associates for Respondent No.4 (absent)

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**CORAM : B.H.MARLAPALLE,J.**
**DATE : MARCH 11,2005**

**P.C.:**

1. Heard Dr.Chowdhary, the learned counsel for the petitioner who is the member of the respondent no.4-society. The society had claimed certain dues and recovery proceedings were therefore, instituted. The Deputy Registrar, Co-Operative Societies, by his order dated 5.5.2000 issued recovery certificate for an amount of Rs.1,07,107/-. The said certificate came to be challenged in a revision application under section 154 of the Maharashtra Co.Operative Societies Act, 1960 (Act for short) before the respondent no.1 who by his order dated 13.11.2000 was pleased to set aside the recovery certificate dated 5.5.2000 and remanded the proceedings for fresh disposal to the

respondent no.2. The petitioner filed fresh written statement before the Deputy Registrar on 20.4.2001 and respondent no.2 by his order dated 5.5.2001 was pleased to issue a fresh certificate under Section 101 of the Act. The original recovery of Rs.1,07,107/- was reduced to Rs.62,502/- and the same was challenged in a Revision before the respondent no.1 who was pleased to dismiss the same for non-compliance of the provisions of Sub-section 2(A) of the Section 154 of the Act. It appears that by subsequently complying with the requirement of 50% deposit of the amount under recovery, fresh revision registered as revision no. 495 of 2002 was filed and it was summarily rejected by the respondent no.1 on 29.8.2002 holding that the case was already dismissed. The petitioner therefore, approached this Court in W.P.No. 7318 of 2002 and by order dated 4.3.2003 the same was disposed by setting aside the impugned order dated 29.8.2002 and the revision application no.355 of 2001 was restored to the file of the respondent no.1 for a fresh decision and finally on remand, the revision has been dismissed by the impugned order dated 1.8.2003.

2. The Deputy Registrar by his order dated 5.5.2001 considered the issue of interest and more particularly compound interest and reduced the amount under recovery to Rs.62,502/- after hearing both the

parties. The revisional authority noted that the petitioner did not produce any proof against the contentions raised in the revision and the society has been issuing bills on monthly basis and the accounts were also audited regularly. The revisional authority therefore, stated that there was no error calling for interference in the certificate issued by the Deputy Registrar on 5.5.2001. The view taken by both the authorities below, could neither be called as perverse or grossly erroneous warranting interference at the hands of this Court in a petition under Article 227 of the Constitution of India.

3. Hence, the petition is rejected summarily. The amount deposited, could be appropriated against the recoveries.

[ B.H.MARLAPALLE,J. ]